

14
*The Magistrates Obligation to Promise
VICE.*

A
SERMON

Preach'd before
The Right Worshipful the Mayor,
Aldermen, Sheriff, &c. of the
Town and County of Newcastle
upon Tyne.

AT THE
Parish Church of St. Nicholas, October 8. 1699.
Upon the Election of the Mayor.

By Nathanael Ellison, Vicar of Newcastle.

Published at the Request of the Mayor and Aldermen.

L O N D O N :

Printed by W. B. for Richard Randell, Bookseller in
Newcastle upon Tyne: And sold by Luke Meredith,
at the Star in St. Paul's Church-yard. 1700.

The Magnificent Obligation to Punish
NICE

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Aldermen, Sheriff, &c. of the
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upon Tyne.

AT THE
Parish Church of St. Nicholas, October 8. 1699.
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LONDON.

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Newcastle upon Tyne, And sold by Luke Meredith
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To the Right Worshipful
ROBERT EDEN, Esq; Mayor;

The Right Worshipful

Sir Robert Straffoe, Kt. Recorder;

And to the Right Worshipful and Worshipful

Sir William Blackett, Bar.

Sir Ralph Carr, Kt.

Timothy Robson, Esq;

Nicholas Fenwick, Esq;

William Auboney, Esq;

William Carr, Esq;

Matthew White, Esq;

Thomas Wasse, Esq;

Joseph Atkinson, Esq;

George Whinfield, Esq;

Jonathan Hargrave, Esq; Sheriff of the

Town and County of Newcastle upon Tyne.

Right Worshipful and Worshipful

THE just Sense I had of the many
Defects of this Sermon; made me
very unwilling to Appear in Pub-
lick, when so many Correct and Excel-
lent

The Magistrate's Obligation to Punish
THE

SERMON

Preached before
The Right Worshipful the Mayor
Aldermen, Sheriffs, &c. of the
Town and County of Newcastle
upon Tyne.

AT THE
Pavilion Church of St. Nicholas, October 8. 1809.
Upon the Election of the Mayor.

By Nathaniel Ellison, Vicar of Newcastle.

Published at the Request of the Mayor and Aldermen.

LONDON.

Printed by W. B. for Richard Rawlins, Bookseller in
Newcastle upon Tyne, And sold by Luke Meredith
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Joseph Atkinson, Esq;

George Whinfield, Esq;

**Jonathan Hargrave, Esq; Sheriff of the
Town and County of Newcastle upon Tyne.**

Aldermen;

Right Worshipful and Worshipful

THE just Sense I had of the many
Defects of this Sermon; made me
very unwilling to Appear in Pub-
lick, when so many Correct and Excel-
lent

The Dedication.

lent Discourses have been Printed upon the same Argument and Occasion. But when You were pleas'd to make it Your Request, I thought Obedience would be better Resented than Excuses; and was therefore willing, rather to Publish my Own Infirmities, than to Incur the Imputation of Disrespect or Disobedience to my Superiours, to whose Commands I owe an Absolute Deference and Regard.

I wish the Performance had been more Worthy of Your Names: But such as tis, it is with all Humility Address'd to You, as the Only Opportunity I have yet had, of making those Publick Acknowledgments that are Due for Your singular Favours to my Self, and for Your Generous Liberality to the Clergy of this Place; few Corporations (if any in the Kingdom) voluntarily Contributing as You do, out of Your Publick Revenue, above Eight Hundred Pounds per Annum towards
the

The Dedication.

the Maintenance of the Clergy and Schools. But what ought to be dearer to us than this, is, the Charitable Constructions You put upon our Labours, Your early and constant Attendance, and solemn Deportment at Church; Your frequent receiving Monthly Sacraments, and Your sober and exemplary Conversation; which as they bespeak a true Sense of Religion, so also Your sincere and steady Affection to the present Establishment of our Church. And because nothing is so much wanting to make us the happiest Church in the World, as Reformation of Manners, Your late Orders for the better Observing the Lord's Day, and Your putting the Penal Laws in brisk and vigorous Execution against Profaneness and Immorality, give us no small Hope, that as You have already put a stop to the present Growth of Debauchery among us, so also, that hereafter You will more effectually Suppress it. If this Sermon be any way Instrumental in promoting
so

The Dedication.

so good a Work, it will answer Your Design in commanding it to be Printed, and mine in Preaching it; which, that it may be subservient to so good an End, is the hearty Prayer of

Your most Obliged

and Faithful Servant,

N. ELLISSON.

ERRATA.

Page 1. the Dedication, L. 4. r. *Shew*. L. 4. r. ELLISSON. *Shew*, p. 1. L. 2. after *Professors*, add *and of several other Corporal Pastors*, p. 1. L. 17. after *11th*, instead of *which* read *and*, p. 2. L. 23. after *before* add *and*, p. 23. L. 4. after *how* add *the best Copy is*.

ECCLES

ECCLES. VIII. II.

*Because Sentence against an evil Work
is not Executed speedily, therefore the
Heart of the Sons of Men is fully set
in them to do Evil.*

THOUGH these Words be Interpreted
by the Generality of Commentators, to
be primarily meant by Solomon, of the
ill Use that wicked Men make of God's Clemency
and Forbearance; yet they may be secondarily
and Consequentially Applied also to the ill Ef-
fects that usually attend the Remissness and In-
dulgence of Magistrates, and Men of Power and
Authority. As this is a Sense of which the
Words are very capable, as they may be taken
Absolutely, so also as they relate to the Context,
do I find them to be so Translated and Inter-
preted by some * Men of Note.

And Mr. Cartwright's Note upon
the Place is this, *Hoc Magistrate
Administer, ne Patiamur sceleribus
Istius & Debitum diffundit, nisi lo-*

*And 8. et ut videtur
Symmach.
Est autem ambagum hoc loci
Sententia Judicis. Druf. Sen-
tentia Judicis de Opere malo.
Vergilius de Venerbi.*

lint

lint Terram scelerum velut Diluvio obrui. That this should be a *Caveat* to Magistrates, how they delay the Execution of Justice upon Criminals, lest a Deluge of Profaneness and Impiety break in upon them, and cover the Face of the whole Earth. In this Sense will I Discourse of the Words, as most suitable to our present Occasion.

They contain a very sharp and cutting Reflexion upon some soft, and easie, and careless Magistrates; *viz.*

That the Growth and Predominancy of Wickedness is owing in a great measure to the Negligence and Remissness of those in Authority, who are intrusted with the Administration of Justice: The Truth of which Observation shall be made appear in the Sequel of my Discourse: In the Prosecution of which I will endeavour to shew,

First, The Magistrates Power and Obligation to Punish Vice, and Execute Sentence upon every evil Work.

Secondly, The ill Consequence that naturally attends their Neglect of this Duty: The Growth of Sin and Wickedness is thereby promoted and encouraged, the Guilt of which is laid at their Door, whose Neglect occasioned it.

it. This is the Conclusion that the wise Man draws from such Premises; *Because Sentence against an evil Work is not executed speedily, therefore the Heart of the Sons of Men is fully set in them to do Evil.*

Thirdly, I shall conclude all with a word or two of Exhortation.

First, Consider we the *Magistrates Power* and *Obligation* to Punish Vice. God has invested and intrusted you with this *Power* and *Authority*, and also has laid an *Indispensable Obligation* upon you, to *Correct* and *Punish* Delinquents. And here my Design is not so much to direct you that are *Magistrates* in your *Duty*, as it is to *Vindicate* your *Acts of Justice*, in bringing *Criminals* to condign *Punishment*, by *Representing* to those that are under your *Government*, the *Indispensable Obligation* that lies upon you to *Execute* this *Power*, and to *Discharge* this *Trust* that is reposed in you by *God*, the *King*, and your *Country*.

The *Punishing* of *Criminals* is what is very disagreeable to all good *Temper*, and for that very Reason is it most of all *Ungateful* to our *English Nation*, which perhaps is the most *Merciful* and *Compassionate* in the *World*, we be-

* The Earl of Clarendon observes, That no Language in the World has any single Word to express what we understand by *Good Nature*.

ing as singular for our *Good Nature*, as we are for the use of that * *Pbrase*; but it may be we overvalue our selves too much upon this Chara-

cter, what we reckon our Commendation may be a Fault, and our good Nature may be Cen- sured by some as Softness and Folly. And,

indeed, that is but a *Foolish* † *Pity*

† *Salutaris severitas vin- cit inane[m] speciem Clementi- e*. Cic. Ep. 1. ad Brutum.

which is indulged so far as to In- validate the salutary Execution of

Penal Laws, which are *absolutely necessary* to the support of Religion and Government, and

the Preservation of good Manners. For what Government can there be without Laws? And

what avail the best Laws, without Sanctions to enforce them? And what signifie Sanctions

without due Execution? This is a Truth so plain and self-evident,

that my Text supposes it, and takes it for granted; and which supercedes any laborious

Proof, were there not a bold sort of People (|| *Socinians* and *Apa-*

|| Socin. Explicat. cap. 5. S. Matth. vi. 14. in Resp. ad Jacob. Palzolog. part. 1. c. 3. & part. 2. §. 26. & part. 3. c. 2. Lud. Wolran- gen. Appendix ad Commen- tar. in Matth. 4. 39. ap. Fran- Polon.

baptists) started up among us, who endeavour (what they can)

to subvert all Government, by Disowning and Impugning this

Power and Authority of Magistrates, and by Crying down their whole Office, as Unlawful

and

and Antichristian. But no wonder that these Men clamour so bitterly against the Rights and Jurisdiction of Magistrates, since it has been the Practice, as 'tis also the Interest, of all well-constituted Governments, severely to prosecute them, as the greatest Disturbers of Peace, and the very Bane and Pest of Societies. But if * Malefactors and

* Non potest ullam Autoritatem habere sententia, ubi qui damnandus est damnatur.
Senec.

Criminals at the Bar be allow'd to Plead for themselves, no doubt but they will except against the Jurisdiction of the Court, and the Authority of the Judges.

'Tis no great wonder that these Parties detract so much from the Authority of Inferiour Magistrates, since One of them have enshrin'd the Authority of their Great Lord and Redeemer, by denying his Divinity and Satisfaction; and the Other (and indeed both of them) have disowned the most Sacred Authority of the very Sacraments themselves, which must be owned by all good Men to be most undoubtedly of Divine and most Solemn Institution. How will the very Heathens rise up against these Men one day, and condemn them? 'Twas Plautus's Opinion, That neither God nor Man would say it was any Injustice to Punish Criminals: And indeed, who can say it? Not the Heathens, if none of their Authors have ever Plead-

ed in all their Writings against this Authority of Magistrates : How much less can any Christian say it, when God has so fully Invested them with this Power and Authority ; 1. Before the Law ; 2. Under the Law ; 3. Under the Gospel.

1. We have very imperfect Memoirs in Scripture, of what Courts of Judicature God erected, or what Penalties were Appointed for Punishing Malefactors before the Flood ; but immediately after the Flood, we find God vesting a standing Magistracy, and intrusting them with a Power of Inflicting capital Punishments upon Offenders ; *|| K'bofo shaddeths Man's Blood, by Man shall his Blood be paid. I shall*

* De Jur. Nat. & Gent.
l. 1. c. 5. §. 1. & c. 5.
de Synedr. l. 1. c. 5.

not trouble you with the various Translations which the Learn'd * Mr. Selden has Collated with a great deal of Accuracy ; the most Natural Sense of the Place seems to be, That he that took away the Life of Another was to lose his Own, and to be Sentenc'd to Death by the Judge or Magistrate ; And so I had both the Tongues render it, God seems before this to have reserved this Royalty of Life and Death to himself, as appears probable by the Story of Cain, whom he would not suffer any Man to kill, though he very well deserv'd it, for slaying his Brother.

ther. But here he seems to settle a *standing*
Magistracy, and to invest them with a Power
 of Life and Death upon such Occasions. And
 although Death seems to be restrained here,
 to the Case of Murder, yet I will not doubt
 in the least; but that the like Sentence extend-
 ed also to other heinous Enormities, as seems
 very plausible from *Thamar's* being Sentenced
 to be Burnt for playing the Harlot; which
 Sentence, if it were decreed by *Juda*, pro-
 ceeded not in all probability from any Arbi-
 trary Power that so near a Relation would
 have assumed to himself; or if it were pro-
 nounc'd by any other Magistrate, it
 argues that there was some peculiar
 Custom or Law to punish Adul-
 tery, as well as Murder, with Death. And if
Thamar was a Priest's Daughter, (as some of
 the Hebrew Doctors imagine) this was the very
 same Punishment that was afterwards inflicted
 by the Law of *Moses* in the like Case. But
 however that may be, certain is, that
 Under the *Mosaic Economy* Death was
 the ordinary Punishment that was appointed
 both for Murder and Adultery, besides several
 lesser Punishments that Magistrates were em-
 powered and oblig'd to inflict for lesser Crimes.
 This needeth to reckon up all the Penal Laws
 of

Gen. 38. 24.

vid. Calvin. & Grot. in
 loc. & Seld. Uxor. Hebr.
 1. 3. c. 12.

Lev. 21. 9.

Deut. 25. 1.

of this Nature, which occur in the Mosaic Dispensation, is enough, that God himself gave it in Commission to the Judges, to Justifie the Righteous, and to Condemn the Wicked, to Condemn them, both to greater and lesser Punishments, according to the greatness of their Demerits: And hence it is, that we Read of pecuniary Mulcts and Forfeitures, as Imprisonment, Stocks, Scourging, &c. as well as of several Capital Punishments, as Stoning, Burning, Beheading, and Strangling: Instances of all which might be produced, were there any need of it, let it be enough to Remark, That these Penal Laws were so highly reasonable, that Artaxerxes, tho' a Heathen King, thought fit to confirm them to the Jews, when Ezra returned to Jerusalem after the Captivity. These Penal Laws, I say, that Heathen King confirm'd to them, as the Result of God's Wisdom, and Ezra owns this to be the Effect of God's Spirit upon his Royal Heart; Thon Ezra, says Artaxerxes, after the Wisdom of thy God, let Magistrates and Judges which may judge all the People: And whoseever will not do the Law of thy God, and the Law of the King, let Judgment be executed speedily upon him, whether it be unto Death, or to Banishment, or to Confiscation of Goods, or Imprisonment: And Ezra's Answer to this Gracious

Ezra 7.
25, 26.

ther. cious

cious Concession was, *Blessed be the Lord God of our Fathers, who hath put such a thing as this into the King's Heart.*

3. But that which much more concerns *Christians*, is, That the like Sovereignty was invested in Magistrates even under the *Dispensation of the Gospel*, which is the most gentle and merciful Dispensation that ever appear'd in the World. And although this Power was lodg'd in such ill Hands at first, as exerted it to the very great Prejudice of Christianity, and in perfect opposition to the Interest and Propagation of the Gospel, and (as far as in them lay) to its utter Ruin and Extirpation; yet 'tis very remarkable, That neither our Blessed Saviour nor his Apostles make the least Exception, no not against the Arbitrary and Unjust Exercise of this Power and Jurisdiction, even of Heathen Magistrates; but when they were suffering most unjustly under them, even then do they own and assert their Power to be of Divine Institution and Establishment. Thus when our Blessed Redeemer was most unjustly brought upon His Tryal, and Pilate seem'd to Triumph and value himself upon the Power he had to Crucifie and Release him, our Blessed Saviour is so far from detracting from this Authority he claim'd, that he runs it up to the Divine Original, and tells him,

He

John 19.
10, 11.

Acts 25. 10.

1 Pet. 2.
13, 14.

Rom. 13.
4, 6.

He could have no such Power (of Life and Death as he boasted of) except it were given him from above. The word in the Original is *ἐκείνη*, which cannot be interpreted of bare Divine Permission, but of Express Commission. And so also St. Paul, when he Appeals unto Caesar's Judgment Seat, he owns it as a Court where he ought to be Judged. Nay, both St. Peter and St. Paul make this Power of Heathen Emperors, not only God's own Establishment, but they lay it as the very Foundation and Corner-stone of Christian Subjection and Obedience. Submit, says St. Peter, for the Lord's sake whether unto the King as Supreme, or unto subordinate Governours that are sent by him, i. e. that are sent by God, and then follows the Commission they are sent upon, They are sent by him, says he, for the Punishment of evil Doers, as well as for the Praise of them that do well. To the like purpose St. Paul in that known place of the 13th Chapter to the Romans, where he calls the Higher Powers God's Ministers no less than three times in two Verses, and when he calls them so, 'tis with reference to that Power they were intrusted with of punishing Offenders, and executing Wrath upon those that do Evil. 'Tis observable, That tho' the Emperors these Apostles lived under were some of the very Worst of Heathens, tho' they

they nail'd the one Apostle to the Cross, and struck off the Head of the other, yet these very Apostles tell us, that God made them *His Ministers* in the Execution of Justice, and entrusted them with the Sovereign Power of the Sword. Now, if God, *under the Gospel*, put a Sword into the Hands of *Heathen Emperours*, who made so ill use of it, as to oppose the Preaching and Establishment of Christianity, and to persecute and kill the Apostles and Primitive Christians, we can't think that he design'd to wrest it out of the Hands of *Christian Princes*, when there is the same necessity and occasion of Correcting Sin, and when they may manage it more for the Honour and Glory of God, and the Promotion of Piety. No, if the Heathens abuse of their Power did not vacate their Commission, how much more should the prudent and sober, the regular and impartial Administration of this Power confirm and establish Christian Magistrates in the use and exercise of their Authority? I am sure, so it has been understood in all Christian States, every one of them claiming the like Power of punishing Offenders, as has been exercised by former Kings.

There's little question then to be made, but that all Supreme and Subordinate Magistrates have a Power to coerce and punish Criminals:

'Tis well if those that are in Authority would consider, that this Power of theirs is not so much a *Privilege and Royalty*, which they may use at Pleasure; as 'tis a *Duty incumbent* upon them, which they are *oblig'd* to under the severest Penalties. 'Tis a *Trust* which they are oblig'd to Execute and Discharge as they will answer it at the Supreme Tribunal of the great Judge of all the World; who will call them to a very severe and particular Account for their Neglect, Mismanagement, and Misd-administration.

Supreme Magistrates are God's Ministers; and 'tis expected, that such should be Faithful to their Master; that they should Assert, Vindicate, and Promote his Honour; in encouraging Virtue, and in discountenancing and punishing Vice. as Great as the Greatest of them are, they are his Ministers; and tho' their Greatness exempts them from any Punishment here; yet they must one Day give an Account, and a very severe one too; hereafter, for the abuse of their Ministry, according to that of Solomon, Eccles. 5. 8. *If when I seek the Oppression of the Poor, and violent Perverting of Judgment and Justice, marvel not at the matter, says he, for he that is higher than the highest regardeth, and there be higher than they that will call them to an account for it.* Or as *Wisd. 3. 3. &c. Power is given you of the Lord,*

and Sovereignty from the Highest, who shall try
your Works, and search out your Counsels; and
because, being Ministers of his Kingdom, you have
not judged aright, nor kept the Law, nor walked
after the Counsel of God, horribly and speedily
shall he come upon you. For a sharp Judgment
shall be to them that be in high Places; for Mercy
will soon pardon the meaneſt, but mighty Men
shall be mightily tormented, and a ſore Tryal shall
come upon them.

If Supreme Powers then be thus accountable,
how much more thoſe that are Inferiour and Sub-
ordinate. They are accountable to God, their
King and their Country for the Diſcharge of that
Truſt repoſed in them; and if they neglect to
execute it with an honeſt conſciencious Integrity,
if they Pervert, Corrupt or Obſtruct Juſtice,
they become guilty, not only of Betraying their
Truſt, but (which is yet of more diſmal Aggra-
vation) they are guilty of the Violation of that
ſacred Oath which they have taken to diſcharge

it. If he that bid his Lord's Talent (tho' it
were but a ſingle Talent) was called to a ſtrict
account for it, and ſentenc'd to outer Darkneſs,
as a wicked, ſlothful, and unproſitable Servant,
what Name will be bad enough to affix to thoſe
that have waſted, abuſed, or miſpent the many
Talents they have been intruſted with? And

Matth. 25.

what Place in the Infernal Lake can be found
hot enough to receive such unjust and unfaith-
ful Servants.

2 Sam.
23. 3.

'Twas God's expresse Charge and Direction to
*David, That he that Rules over Men must be just,
ruling in the Fear of God.* Which Divine Ad-
monition holy *David* seems to have had con-
stantly in his Eye, and to have made his Rule
and Model of Government; insomuch, that
you have this glorious Character transmitted

2 Sam.
8. 15.

of him, that while he Reign'd over Israel, He
executed Judgment and Justice into all his People.
And indeed, you have him laying a good Foun-
dation for this Character; as soon as ever he
came to the Throne, or (as some think) when
he had but a prospect of it. So early do you

* Psal. 101.

find him resolving, * to govern first himself;
and then his Court; and then his whole King-
dom, with such care and caution that good Men
might secure themselves of his Favour; and the
wicked be afraid of feeling the Severity of his
Displeasure.

*I will behave my self wisely in a
perfect way; I will walk within my House with a
perfect Heart; I will not know a wicked Person.
He that walks in a perfect way shall serve me;
he that works Deceit shall not dwell in my House.
And, as the Conclusion of all, says he, I will
destroy all the Wicked of the Land, that I may*

cut off all wicked Doers from the City of the Lord. And if the Seventy fifth Psalm were Composed by the same Pious King, you have him there renewing the like pious Resolution, and that at a time when there was the greatest Occasion and Necessity for interposing his Royal Authority, when the Earth (i. e. the Kingdom of Juda) and its Inhabitants threatened its Ruine by an universal Dissolution of Manners, when wicked Men lift up their Horn on high, and spake with a stiff neck; i. e. when they had open defiance to all Divine and Humane Laws, then, even then did the Holy Psalmist interpose with heroic Courage and Magnanimity, every way becoming a King in such a desperate Juncture; then did he resolve to cut off all the Horns (i. e. all the Power) of the Wicked and Prophane, and that all the Horns of the Righteous should be exalted. But whether David were the Author of that Psalm or no, 'tis not to be doubted but that the 72 Psalm was of his own Composing, the Title of which is a Psalm for Solomon, and was made by David (as 'tis supposed). * when King 1. Nathan the Prophet, and Zadok the Priest (by David's own Command, and while he was yet living) took Solomon and set him upon his Throne. In which Psalm he prays, That God would give his Son Solomon his Judgments and his

his Righteousness, that so he might judge his People with Righteousness, and the Poor with Judgment; that he might keep the simple Folk by their Right, defend the Children of the Poor, and punish the Wrong-doer. But there are two Examples more behind, which very well deserve your Consideration, and which indeed, in strictness, should have been mention'd before, if we had regarded the Age they lived in. The one is Job, the other is Moses. Job is called the Greatest, is e. one of the greatest Men in all the East; in all probability he was a King; and if his Dominions were not so large, yet his Power might be as great and absolute, as any Monarchs at this day. 'Tis evident he was a Man in great Power and Authority, by what we read Chap. 29. 7, &c. But he was not contented with the bare Ostentation and Pageantry of Greatness, but he shew'd his Greatness in Acts of Goodness, in the highest Instances of Justice and Mercy; I delivered, says he, ver. 12, &c. the Poor that cryed from Oppression, &c. I put on Righteousness and it clothed me, (my Judgment was as a Robe and a Diadem. By which it appears, he took not so great Pride in the Ornaments of State which he wore, as in the impartial Execution of Justice upon Offenders, and in breaking the Faws of the Wicked. Moses had the Character of being the meekest

Job 1. 3.

Num. 12. 3.

meekest Man upon the face of the Earth; and yet, notwithstanding his unparallel'd Meekness, we read of his exerting very severe Acts of Justice, when he saw God's Honour Prostituted, and his sacred Laws violated and trampled on; witness * the Idolatry of the Golden Calf, and * *Exod. 32.* that of Baal-Peor. These four illustrious Examples I have mentioned are very well worthy your Imitation; none need to be ashamed to be taught their Duty by such Persons who had so establish'd a Reputation both for Greatness and Goodness. But 'tis high time to advance to my

Numb. 25.

Second General: To consider the dismal ill Consequence that naturally attends the Carelessness, Negligence and Remissness of Magistrates. The growth of Sin and Wickedness is thereby promoted and encourag'd, the guilt of all which is laid at their Door whose Neglect occasion'd it; for thus the wise Man tells us in my Text, *Because sentence,* &c. Ill Men are emboldned and encourag'd by this Impunity, and as long as they meet with (a) No Contradiction, nor (b) Opposition, no Check nor Controll from Men of Power and Authority, they go on to do ill with (c) a fearless Heart; nay, 'tis (d) fully persuaded, settled, and con-

(a) *Assumptio* Sept.

(b) *Haad panyta* his oppositio. Arab.

(c) *Adhama* Sept. Sym.

(d) *Is wanygordy* Sept. c.

firm'd

firm'd in their Wickedness. They grow daring and obstinate, and at last obdurate in their Sins. This is a melancholy Truth that has obtained too much Credit in all Ages.

* Plutarch.
Rom. A-
pophe

* *Cato the Elder* was wont to say, That he would rather be unthankful for a good Deed, than not punish a bad one; which as 'tis an Argument of the ill Opinion he had of Ingratitude, so also of the Necessity there was of Vindicative Justice. Nay, he thought soft and easie Magistrates intolerable in a Government, and not only so, but that even their suffering Death was a small Compensation for the Damage and Injury the Publick sustain'd through their Negligence and Remissness.

Such a violent Propensity to sin there is in all of us, that all Nations have thought it absolutely necessary to restrain it by the severest Punishments. To this purpose is that Observation of a *Heathen Philosopher*, That tho' several Nations have differ'd in the several Punishments they appointed for the Violation of Religion and good Laws, yet they were all agreed in affixing some Punishment or other upon such Violation. But the severest Penal Laws are but a dead Letter without Execution, and signifie no more than if they had never been made at all: To have such Laws made, and not executed, is an Argument

Argument of Weakness, either in the Govern-
ment or Governours, that they cannot or dare not
Punish and ill Men take occasion thence to streng-
then themselves in their Wickedness, when Laws
or Magistrates want Power or Courage to restrain
them. And no wonder indeed, for if even the
vigorous Execution of Laws is little enough and too
little effectually to prevent, or wholly to suppress
and obstruct the growth of Impiety; what Pro-
gress must it of necessity make, if all Restraint and
Opposition be removed out of the way? When
the Flood Gates are once broken down, is a
Miracle if an Inundation does not follow. David
was of invincible Courage, and was resolv'd (as
you have heard) to do what in him lay, to put an
early stop to the growth of Debauchery and Pro-
faneness in his Reign, and for fear that his own
personal Endeavours might prove ineffectual, he
calls in all good Men to assist him in so Pious a
Work; *Who will rise up for me against the evil* Psal. 94. 16.
Doers? or who will stand up for me against the work-
ers of Iniquity? And yet after all, notwithstanding
the Design was so Pious in it self, and was most
vigorously Prosecuted, yet the Success answer'd
not Expectation, as we may probably conjecture
from the Psalmist's own Complaint of an universal
Degeneracy and Corruption of Manners that still
prevail'd; as, *That the Faithful were diminished* Psal. 12. 1.
from among the Children of Men; That they were Psal. 14.

Pfal. 119.
136.

Corrupt and Abominable in their doings; and that there was not one that did good, nor not one. In-
much, that Rivers of Water ran down his Eyes, to
 consider that all the severity he had used, could
 not totally suppress that depravation of Manners
 that was become universal in his Days. But if so
 Epidemical a Disease was not to be perfectly cured
 all on a sudden, yet however, Time and a severe
 Course of Physick, might very much correct it.
 Now, if even the severest Execution of Laws has
 not had that Success, as totally to prevent and sup-
 press the growth of Profaneness, I leave it to you to
 guess what a dismal Consequence must inevitably
 follow a total suspension and relaxation of those
 wholesome Laws. If Mens hearts are fully set in
 them to do Evil, because Sentence against an evil
 Work is not executed speedily, what would they
 do, what would they not do, if it were not
 executed at all? If the very Delay of Justice
 would encourage Sin, How much more would a
 total Obstruction of it?

We shall be better able to judge of the ill Ef-
 fects of this, by producing an Instance or two of
 what Disorders have been occasion'd by too great
 Remissness and Indulgence of Government. Gre-
 gory Nazianzen was prevail'd upon to intercede
 with the Secular Power for some Favour to be
 shew'd to the Apollinarians; but when he saw
 how ill it succeeded, and what ill use they made

of

of it, he wrote back to the President in this manner; I ~~now own my~~ *Intercession on behalf of these Men to be unseasonable, since I find they make not so good use of your Indulgence, as to be reclaim'd.* But no Instances like those that are taken out of the Word of God. If you look into the *Book of Judges, Chap. 18. 7.* you'll find the People of *Laiſh dwelling quiet and secure*: It had been a good Character of a People, if it had been a true Quiet, and well-grounded Security; but (as 'tis there added) 'twas a *Careless and Supine Security*, which in all probability made them indulge themselves in *Luxury and Sensuality*. And this, it seems, was occasion'd either by their having no Magistrates at all, or by the shameful Remissness of those they had; for so it follows, *There was no Magistrate in the Land, that might put them to shame in any thing they did*; and no wonder then that they became an easie Prey to the first Enemy that Attack'd them. *Laiſh* had the Character of a sweet and plentiful Country, it being a Place where there was no want of any thing that was upon the Earth, ver. 10. A pity it was that so good a Place should want good Magistrates! From whence 'tis natural to observe, That though a Country abound with every thing desirable, and want nothing else but a good Magistracy, yet they want that which will make them a happy People. This was what *Laiſh* wanted, *There*

was no Magistrate among them; i. e. they had either none at all, or as good as none; for there was none that took due care to execute his Office; none that restrain'd them from Sin, or punish'd them for it, or so much as fixed any Mark of Disgrace upon them; *There was none that put them to shame for any thing they did.* And this proved in the end the Ruine of that People, and so it will prove of any Persons whatsoever. Thus there was nothing perhaps that contributed more immediately to the Wickedness, and in effect to the Ruine, of Eli's two Sons, than the too great Indulgence of their old compassionate Father; who, being a Judge as well as a High-Priest in Israel, should have made it his Business to discounterbalance and punish Vice severely and impartially, where ever he saw it, but especially in his own Family. *But* it seems that good Man was of too mild and easie a Temper, and his natural Affection to his Children, made him forget the Duty both of a Parent and a Judge; for when their Sins became so scandalous and notorious, that the Congregation publicly remonstrated against their Lewdness and Debauchery, Eli, instead of Punishing his Sons severely for their Wickedness, instead of turning them out of the Priest's Office, for Defecrating and Profaning their Sacred Character, and instead of calling them to a more severe Account for their

Adultery

Adultery (as the Law required) he **Exposu-**
 lates with them with too much Calmness and
 Mildness; * *Why do ye such things?* 1 Sam. 2. 22, &c. Vid. Sanctum in 1 Reg. c. 2. §. 29.
 for I hear of your evil Dealings by all 1 Sam. 2. 22, &c. Vid. Sanctum in 1 Reg. c. 2. §. 29.
 this People. Nay, my Sons, 'tis no good
 Report that I hear, Ye make the Lord's
 People to Transgress. But this was so gentle a
 Reprimand, that his Sons gave no ear to it, but
 become **Sons of Belial**; indeed, their
 Father's Indulgence made them so, 1 Sam. 2. 12. Fili Be- lii, &c. line Iago, Grot. in 2 Cor. 6. 15.
 and it had made them throw off the
 Yoke, and sin without all restraint; and in this
 obstinate Course of Impiety they continue, until
 God thought fit to destroy them. Neither is this
 all, but observe how severely God dealt with
Eli and his whole Family for this neglect. These
 two profligate Sons of his die an untimely Death,
 both in one day, and (which is greatly to be
 fear'd) they died in their Sin; the News of
 which sad Disaster so confounds **Eli**, that he fell
 back and died immediately. And well had it
 been, if God's Vengeance had stopp'd here; but
 there is a dreadful Curse entail'd
 upon his whole Posterity; * 1 Sam. 3. 11, &c. Vid. Selden. de Success. in Pontif. Ebraeorum. l. 1. c. 2. &c. Conf. l'Empereur Annot. in Bezzam de Rep. Ebr. c. 15. & Sanctum in 1 Reg. 9. c. 1. §. 6.
 Let the Learned resolve your how **Eli** (that
 was of the Stock of **Isaiah**, the
 younger Son of **Isaiah's** Family) came
 to be High Priest. However he came by that
 Sacred Office we know not so well, as that **God**
 threaten'd

threatened for the future to transfer it from his Family to *Eleanor's* Posterity again; and takes a solemn Oath, That the Iniquity of *Eli's* House shall not be purg'd with Sacrifice nor Offering for ever, for the Iniquity which he knows; because his Sons made themselves vile, and he restrained them not. Doubtless Flesh and Blood would be apt to resent it as a very great Hardship, if not Unnatural, for a Father to Condemn his own Children; but where God's Honour is smuck at and affronted, our Duty to our Heavenly Father must over-rule the strongest Affection to our own Children.

* Chrysost. l. 3. adv. vic.
tuprat. vic. Monastic.

* St. Chrysostom observes, That though *Eli* was truly admirable in other Matters, and though God had nothing else to lay to his Charge, but this Neglect of his Children, and his Tenderneſs to them. Yet this very thing was so great a fault, that it blam'd his whole Life, and God would not forgive him for it. Because he refused to punish them severely for their sin, God punish'd him severely for it; and destroy'd both him, and them, and his whole Family. Which single Instance is pregnant Proof, that notwithstanding the great Aversion that there is in our Natural Tempers to be severe, that the Publick Station Magistrates are in, should over-rule all private Interest, Relation, and natural Affection; and make them execute the Laws impartially, even upon their nearest Relations.

* Qui induit Personam Ju-
dices exuit Amici. Cicero.

threatened

if

if they should deserve it. Numerous
 Examples of which * occur in Pro-
 phane History. And would it not be a
 Reproach to our Religion, if || Faith
 will not make Christians as Zealous,
 Impartial, and Disinterested in the Ad-
 ministration of Justice, as Infidelity did the Hea-
 thens. I am sure Justice should begin where Cha-
 rity does, and where Reformation should begin,
 and that is at Home; which if it did, would silence
 some of the strongest Exceptions that are made
 against the Administration of it, and we might
 then hope to see a happy Reformation: Where-
 as if Justice stands afar off, and Judgment is turn-
 ed away backward, nothing can be expected, but
 that Libertinism and Debauchery must prevail,
 and over-run the Kingdom; for so Solomon has
 told us in my Text, that *because sentence, &c.*
 which was never more verified in any Age than
 that we live in.

The Government we live under is certainly the
 most happily Constituted in the World, as having
 provided the best Laws to prevent, restrain and
 punish the growth of Impiety; but how faintly
 they have been put in Execution, appears by the
 Complaint that has been made by Publick Au-
 thority; His Gracious Majesty in his Proclamati-
 on, the late Queen of happy Memory in her Let-
 ter to the Justices of Middlesex, and the House of
 Commons

Commons in their Address to her Majesty, all unanimously declaring, That the growth of Profaneness and Impiety has been in a great Measure occasioned by a long continued Neglect of so many Magistrates not putting in Execution those good Laws, which were made for the suppressing and punishing thereof.

1 Tim. 5.
22.

The Apostle charges us, Not to be partakers of other Mens sins, which implies that we shall be accountable for other Mens Sins as well as our own, if we be any way the occasion of them. 'Tis a dreadful Account we must all of us give one day for our own Sins; but how terrible will it be to answer for the Miscarriages of others, which shall be laid to our Charge? And so will all those be that were occasion'd by our Neglect, according to that known saying, *Qui non prohibet peccare cum potest, jubet*; He that permits Sin when he has power and opportunity to prevent it, is interpreted, to allow it, nay, to command it to be done:

* Homil. 8.
in Act. Ap.

As St. * Chrysostome speaks upon Eli's Indulgence to his Sons; 'tis much to be feared, that such profuse and unreasonable Clemency shall one day meet with the greatest Severity, as having given occasion and encouragement to the most Profligate and Flagitious Enormities; and if Magistrates neglect to punish the Sins of others here, it shall very much aggravate both their own Sin and Punishment hereafter.

Since

Since Sin, then is the natural and necessary Consequence of Impunity, and that Impunity will be charged home severely one day, as the Effect of Magistrates Negligence and Remissness. Give me leave in the

Last place, to shut up all with a Word or two of Exhortation.

I have endeavoured in the former part of my Discourse to Assert and Vindicate your Commission and Power; what remains, but that you do your selves that Right to vindicate your own Authority by more cogent Arguments than any I have used? That is, by duly exerting it to those good Ends and Purposes for which it was committed to your Trust; that you put the wholesome Laws of this Kingdom in brisk and vigorous Execution, and rescue them from that Contempt which long disuse and former mismanagement have brought upon them. For however the Clemency of the Government has thought fit to suspend for the present several *Penal Laws*, which were formerly made against the publick Exercise of several Religions, yet there are other *Penal Laws*, those, I mean, against *Profaneness and Debauchery*; which remain still in full force, and require nothing but a courageous Magistracy to put them in Execution. And herein do I find all Parties agreed: For whatever difference there is among us, as to the execution of *Penal Laws* relating to Religion, all good

Men of every religious Persuasion are unanimously agreed, as to the expediency and necessity of their Execution against all Irreligion and Debauchery. Certainly the Execution of them could never be more seasonable, nor was ever more necessary than in that loose and dissolute Age we live in; which seems to be distinguish'd from all preceding Generations by this peculiar Character, That 'tis the most knowing, and withal the most prophane and debauch'd Age that ever yet appear'd in the World. Such open Profanation of the Lord's Day, such hideous Oaths and Imprecations, such beastly Drunkenness and Debauchery, such abominable Lewdness and Lasciviousness was never known, I am persuaded, in any Christian Age or Kingdom, as is now publickly profess'd and practis'd, to the great Scandal of Religion. The Consideration of this has animated some sober Persons, even of different Persuasions, with a Spirit of Zeal, to Associate themselves for the Reformation of Manners. 'Twere well if the Heats of all Sects and Opinions among us were thus united, and concentred to stop the insolent Growth of Impiety and Profaneness, and to oppose and withstand the common Enemy of our Religion. If the Management of these Societies be as regular and orderly as their Designs are Pious, I can't but heartily wish Success to their Endeavours, as any must that has perused the * *Late Account that has been given of them;*

them; which is very well Worthy your serious and particular Consideration, not only as giving an Account of the Original Institution, &c. of those Societies, but as using the most cogent and pressing Arguments to recommend and inforce the Execution of *Penal Laws* against Immorality and Profaneness, as the most indispensable Duty and Trust incumbent upon Magistrates.

'Tis for the Honour of you in this place, that you have given us some hopes of a Reformation among us, by issuing out Orders for the more strict Observation of the *Lord's Day*, &c. Having begun so good a Work, let me beseech you, by all that is Sacred and Religious, That you would go on to give it in strict Charge to your Subordinate Officers, That they visit all Publick Houses on the *Lord's Day*, not only in, but out of, Divine Service; That they present all Houses of suspicious and ill Fame; That you would facilitate, encourage, and promote the Prosecution of Drunkenness and Debauchery, of Cursing and Swearing, &c. In a word, that you would let loose all the *Penal Laws* against all manner of Profaneness and Immorality, which there was never greater occasion to be vigorously executed than in the present Age. For so profligately Vicious are Men now grown, that they have disown'd and discarded Conscience, the most sacred Principle of Obedience, and which has kept former Generations in awe. But

Now Egad I had said it now

now how many deny, that there is any such thing
 at all? Or, if there be, they think it not at all
 concern'd in the Obligation of *Human Law*.
 Those then that will not be subject out of a Prin-
 ciple of Conscience, make them stand in awe of
 your Power out of a Principle of Fear; convince
 them, *That you bear not the Sword in vain*, by
 making them feel the edge and weight of it: Thus
 shall you shew your selves Ministers of God, by
 asserting your Master's Honour; by revenging his
 Quarrel, and by executing Wrath upon all that
 dare Affront him. Gird your Sword upon your Thigh,
 and let your Right hand reach you terrible Things.
 Let Judgment run down as Waters, and Righteous-
 ness as a mighty Stream, that in may quench that im-
 petuous Tide of Impiety which threatens to over-
 run us. This is the Commission, and this the
 Charge that is given you, *To Judge with just
 Judgment*, and to follow that which is altogether
 just. Or, as it is in the Margin, *Justice, Justice,*
shall you follow. Let it be executed, I beseech
 you, 1. *Speedily*; 2. *Impartially*; 3. *Courage-*
ously, and without delay, when once
 you have full Proof and Evidence of the Fact, lest
 otherwise your dilatory Demurs occasion Confi-
 dence, Presumption and Obstinacy in the Offen-
 ders, and their Hearts be fully set in them to do
 Evil; for Delays in any thing that is good are ill,
 and in the best Things worst.

Deut. 16.
 18, 20.

Impartially, upon all Immorality, whatso-
 ever, and upon all Transgressors indifferently,
 without distinction or respect of Persons. Let
 the Great as well as the Small, your nearest Rela-
 tions within your own Gate, as well as the Stran-
 ger, feel the Severity of the Law, in case they
 deserve it. This is what we are taught to pray
 for, That all that are put in Authority, may truly
 and indifferently minister Justice to the punishment
 of Wickedness, and Vice, and to the maintenance of
 true Religion and Vertue. Justice is visible, even
 in small Matters, in Amise and Cunnin, as well
 as the weightier Matters of the Law, and he that
 fails in the one, is greatly to be feared will be
 defective in the other. Our Blessed Saviour has
 vint told us, That he that is unjust in that which
 is little, which be unjust also in much. This is so
 far from being Severity, that I am perswaded it
 may prove great Charity and Kindness to a Cri-
 minal: the Punishment of small Sins often pre-
 venting the Commission of greater. And if petty
 Trespasses should not, how much less should the
 crying Profanations of the first Magnitude, es-
 cape your Cognizance, although committed by
 * Great Men, or those that are nearest Related

** Let a Ma-
 gistrate
 but take so
 much care
 to be an Example of
 Justice, he will find a few such Examples, will breathe more Life into the Law, and strike
 more Fire into the People, than the Punishment of a Hundred Underlings, and Inferiour
 Persons. Bishop Sanderson on Job 4. 14. 15. 18. See also 20. and his Sermon on Psalm
 106. 30. 32.*

and therefore has
 resolved
 || Moses

[Exod. 32.] *Mosai* punish'd the Sin of the Golden Calf very severely, although *Aaron* was principally concern'd in it, who was a Great Man, next to *Moses* himself, and his elder Brother. * *Phineas* was

* Num. 25.

Pfal. 106.

31.

not afraid to smite *Zinuri* and *Cosbi* when he caught them in the Act of their Uncleanness, tho' they were both of them Persons of the highest Rank and Quality. And this act of Justice was so acceptable to God, that he highly Rewarded him and his Family, by giving him a Covenant of Peace, and an everlasting Priesthood, because he was zealous for his God. And thus also God prefer'd

Exod. 32.

27, 29.

Deut. 33.

the Tribe of *Levi* to be his own peculiar Portion and Inheritance, and to attend upon him in his Worship and Service, because they signalized themselves in the impartial Execution of Justice upon their nearest Relations, in the Idolatry of the Golden Calf.

3. And Lastly, Let Justice be executed Vigorously and Courageously. To be a Coward is a Scandal for any Man that wears a Sword; but 'tis a much greater Reflection upon him that has it carried before. What an indeble Blot had it been upon *Nebemiah's* Character, if he had wanted Courage in the Publick Station he was in? See how hainously he Resents the very Thoughts of any such Impuration; What (says he) should such a Man as I see? No; he could not have a better Cause to defend, and therefore he was resolved

Neh. 6. 11.

resolved to maintain it with the hazard of his Life. A noble and manly Resolution, every way becoming Magistrates, who should be *able Men*, Exod. 18. 21. *fearing God, i. e. Men of Courage and Magnanimity, who should not be afraid of the Face of any Man, nor be faint-hearted when they sit in Judgment: They should fear none but God, and be afraid to do nothing but that which is ill.* Sure I am, you have the World on your side, the Cause of God and Religion, the Cause of Godliness and Vertue, which should make you as *bold as a Lion*: And besides, you have also all the powerful Assistance imaginable that Heart can wish, God himself having promised to be *with you in Judgment*, and particularly in the courageous Execution of Justice; *Deal contragiously, and the Lord shall be with the good.* Prov. 20. 29. 2 Chron. 19. 6.

If you thus execute Justice, you will answer one great End of your Institution, which is, to be a * *Terror to evil Doers*, and to be † *Conservators* of the *Laws* you are intrusted with. You'll thereby answer the End of the Law, which was *made for the Lawless and Disobedient, for the Ungodly and for Sinners, for the Unholy and Prophane*: And you'll answer the End of * *Punishment*, which is to make bad Men good, and good Men better. By this means you'll become the

* Ro. 13. 3. † Nemo potest legem servare, Platon de Leg. 1 Tim. 1. 9. * Ut autem cum quem punit emendes; aut ut: Pena ejus ceteros metuas. L. 1. c. 22. times reddat, aut ut sublati malis secutores ceteri vivant. Senec. de Clement. Vid. A. Gellium Noct. Attic. l. 6. c. 14.

trust:

